

DELEGATED REPORT

Report by Jane Langan	Date of report: 07/12/2022	Ref: 68790/FUL
Registration: 06/10/2022	LDFC: 28/10/2022	Expiry Date: 01/12/2022
Site Visit: 07/11/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of existing attached garage/first floor art room and erection of single storey/porch front extension, three storey extension at side/rear with rear juliet balcony, new raised balcony with glazed balustrade/external stairs at rear and new roof to existing rear extension

Location: 215 Bolton Road, Hawkshaw, Bury, BL8 4JN

Description

The property is a red brick semi detached house. It sits along the main road through Hawkshaw with fields to the east side and rear. The site, and the whole village, is within the Green Belt. The property has been fully surfaced at the front for parking and to the side is an attached garage/store which has a steel frame/glazed structure above. To the rear the land levels slope down and the site is extended out from the existing ground floor level and at lower ground floor. The adjoining property is No.217 and is not extended at the rear and there is low timber fencing separating the gardens.

The application includes removing the existing garage and first floor above and the construction of a two storey side extension. It would come 4m out at the side and run along as two storey of which 2.5m would project past the rear elevation for 4.3m across. It would then link to the existing ground floor extension. A 2m deep balcony would run across the rear for 6.9m with steps down to the garden projecting out a further 0.73m.

The front elevation would come out 1m deep as single storey for 6.5m across. The extensions would form a garage, porch and extended kitchen with an additional bedroom and ensuite at first floor. Existing and new walls would be rendered off white.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

OL1	Green Belt
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant

policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Green Belt - SPD6 - Alterations and Extensions to Residential Properties states that residential extensions in the Green Belt should be proportionate to the size of the original dwelling and up to a third of the volume of the original dwelling may be acceptable however, each proposal will be considered on its own merits.

The agent has provided a planning statement giving the volume of the original dwelling as 304.55m³. The existing extensions removed would be 154.45m³ and the new extension 233.44m³. The proposal would then be more than a third and this would exceed the advice given within SPD 6 and therefore the proposal has the potential to have a significant impact on the openness of the Green Belt and a statement of very special circumstances is required as the proposal would result in development materially larger than the original building.

The planning statement notes that *it is felt that due to the un-conventional design and construction of the existing building that special circumstances do exist to allow the existing side extension to be demolished and replaced with a more conventional constructed building in order to comply with the current building regulations 2022. The previous extensions were carried out well before this property was taken into the green belt area. The proposed replacement extension forming the garage and first floor extension will only be 1.105m wider than the existing and will not affect the openness of the countryside or result in urban sprawl within the area.*

It is the case that the site is located within the Green Belt but is along the main road through Hawkshaw with residential properties fronting and the whole of the village is washed over by the Green Belt. Viewed in connection with the existing two storey side of the property from the east and with no increase in the roof height it is not considered that the proposal would have any greater impact on the openness and character of the Green Belt than the existing building.

Visual amenity and Design - The proposed extension would have a hipped roof set below the main ridge. The first floor would be set back at the front 0.5m which would provide a visual break from the main frontage. The single storey at ground floor would have a dual pitched roof to the porch and monopitch to the garage. At 1m deep it would not project excessively.

The two storey at the rear would have a dual pitched roof forming a rear gable with a Juliette balcony window. The single storey would have a monopitch roof running across the section to the existing extension. There would be windows to the side elevation with cills to match the existing windows. To the rear the balcony would have glazed balustrades 1.1m high. Materials would be roof slates to match and the new and existing walls rendered off white. Whilst the render would see a change in the appearance of the building, and the attached property is in red brick, render is a common and popular domestic finish. It is the side elevation that is the most visible on the approach west into Hawkshaw. The ground floor would be less visible as there are hedges along boundary with the footpath to the adjacent fields. The property currently has an unsightly first floor extension that the proposal would replace and improve the appearance of the property in the street scene.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms it would remain as 3 with an existing one becoming a study. Potentially this could then be a fourth bedroom and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. Following the proposed extensions the site would accommodate this level of parking.

Residential amenity - The proposed two storey side extension would be adjacent open land. There would be first floor windows to the side which would be habitable, however secondary ones to the bedroom with the main Juliette balcony window to the rear. As they would be less than 7m to the side boundary, and the land beyond is outside the applicant's ownership, they are conditioned to be obscure glazed. This has been discussed with the applicant and agent.

In relation to the adjoining neighbour the proposal would see the existing extension remain with a new roof. The proposed balcony would be set approximately 2.7m in from the boundary and have a 1.8m high screen. A condition is added for this to be solid or obscure glazed. This would improve the privacy between the site and No.17 from the situation as existing. To the opposite side the balcony would provide level access out from the rear of the ground floor of the house. Given the higher level to this side from the house and the drive, and with no property directly at the side, a screen to this side is not considered necessary.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered DWG/01 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 Before the first occupation of the extension hereby permitted the 1.8m high screen to the balcony, as shown on the approved plans, shall be fitted and be solid or obscure glazed and be permanently retained thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 4 Before the first occupation of the extension hereby permitted the first floor windows to the east side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	07/12/22	DM	08/12/2022